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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,045	01/08/2002	Scott J. Broussard	AUS920010965US1	4455

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International Business Machines Corporation
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EXAMINER	
LEFLORE, LAUREL E	

ART UNIT	PAPER NUMBER
2673	6

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/042,045	BROUSSARD, SCOTT J.	
	Examiner	Art Unit	
	Laurel E LeFlore	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *6*.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6-10, 12-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. 5,815,160 in view of Nasserbakht et al. 6,072,443.

3. In regard to claims 1, 9 and 14, see previous 103 rejection of claims 1, 9 and 14 in Paper No. 3. Kikuchi further discloses indicating, during a preparation of a presentation using the authoring tool, presentation data that is smaller than the recommended size. See step S5 of figure 5, in which the resolution of preparation and presentation displays are compared. Specifically, if the resolution of the preparation display is less than that of the presentation display, the authoring tool performs a media size correction 1 in step S7. Further see column 6, lines 20-26, disclosing, "whether the resolution of the display device in editing is higher or not than that of the display device 18 is descriminated in S5. In case higher, media size indication and font size indication described in the parameters are corrected in S7 and S9, while they are corrected in S8 and S9 if lower, before the presentation instruction is dispatched in S10." It is understood that a higher resolution indicates a smaller size. Thus, some indication inherently is made to the authoring tool that a size, in particular a resolution, of the

presentation data (of the preparation display) is smaller than a recommended size, the recommended size being that of the presentation display.

4. In regard to claims 2-4, 6-8, 10, 12, 13, 15, 16 and 18-20, see previous 103 rejection of claims 2-4, 6-8, 10, 12, 13, 15, 16 and 18-20 in Paper No. 3

5. Further in regard to claims 7 and 12 and in response to the applicant's arguments of Paper No. 4, the claim contains the step of "redisplaying the presentation data using a second font size on the display screen". While it is not specifically disclosed whether or not the display screen of the presentation authoring tool of Kikuchi displays the same presentation data using a second font size, Kikuchi does disclose, in figures 8 and 9, a prepared layout 20, a layout under correction 21, and a corrected layout 22 of the presentation data, all three of which are shown on the display screen of the presentation authoring tool in the figures. Whether or not the second and third layouts, 21 and 22, are displayed on the presentation authoring tool is not disclosed, but it would have been obvious to do such, given there is a demonstration of such in the figures. Also, such a layout is achieved in the presentation authoring tool, one could display the layout at any stage in its development from the authoring tool display's parameters to the parameters of the display for later projection.

6. Further in regard to claim 19, "a display screen of the computer" on which the presentation data is redisplayed refers to any display screen of the computer, which includes that on which the presentation data is created and that on which the presentation data is later projected.

7. Claims 5, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. 5,815,160 in view of Nasserbakht et al. 6,072,443 as applied to claims 1, 9 and 14 above, and further in view of MedicineNet.com article "Acuity test, visual".

8. In regard to claims 5, 11 and 17, Kikuchi et al. in view of Nasserbakht et al. discloses an invention that is similar to that which is disclosed in claims 5, 11 and 17. See rejection of claims 1, 9 and 14 for similarities. Kikushi et al. in view of Nasserbakht et al. discloses that "focus detection circuitry determines a user's vision capabilities" for determining a recommended size (See rejection of claim 1.). Kikushi et al. in view of Nasserbakht does not disclose that determining a recommended size is based upon a font height for characters on a line of a vision chart corresponding to the certain vision capability.

MedicineNet.com article "Acuity test, visual" discloses a standard "measure of how well a person sees" using Snellen's chart, "imprinted with block letters that line-by-line decrease in size, corresponding to the distance at which that line of letters is normally visible."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Kikuchi et al. in view of Nasserbakht et al. by determining the recommended size based on a font height of characters on a line of a vision chart. One would have been motivated to make such a change based on the teaching of the article "Acuity test, visual" to use such a chart with varying font heights to determine a person's vision capability. Also, Nasserbakht et al. teaches to "adjust

focus to compensate for the user's nearsightedness or far-sightedness", and vision charts are standard and conventional in determining degree of near-sightedness or far-sightedness.

Response to Arguments

9. Applicant has amended the specification and submitted formal drawings which overcome the previous objections of Paper No. 3. The previous objections to the specification and drawings are withdrawn.

10. Applicant's arguments filed 17 April 2004 have been fully considered but they are not persuasive.

11. In regard to applicant's arguments one pages 11-14 of Paper No. 4, applicant argues that the "presentation data" of the immediate application is comparable to the "preparation data" of Kikuchi or the "image source" of Nasserbakht. Applicant further argues that the difference lies in where the data is displayed. In the immediate application, the data is displayed, after corrections are made, on the display device employed for editing the data, while the inventions of Kikuchi and Nasserbakht display the data, after corrections are made, on the final presentation projection display.

However, independent claims 1, 9, 14 and 19, do not disclose data that is displayed, after corrections are made, on the display device employed for editing the data. Claims 1, 9 and 14 disclose, "determining a recommended size for the created presentation data displayed on a display screen of a computer executing a presentation authoring tool", which is done in the invention of Kikuchi (see rejections of these claims in Paper No. 3). Claim 19 discloses "redisplaying the presentation data, on a display

screen of the computer". However, this display screen could be any display screen of the computer, which includes that on which the presentation data is created and that on which the presentation data is later projected.

In claims 7 and 12, applicant discloses "redisplaying the presentation data using a second font size on the display screen", wherein "the display screen" is "a display screen of a computer executing a presentation authoring tool". While it is not specifically disclosed whether or not the display screen of the presentation authoring tool of Kikuchi displays the same presentation data using a second font size, Kikuchi does disclose, in figures 8 and 9, a prepared layout 20, a layout under correction 21, and a corrected layout 22 of the presentation data, all three of which are shown on the display screen of the presentation authoring tool in the figures, since all three are the same size and the first is the presentation authoring tool's prepared layout 20. Whether or not the second and third layouts, 21 and 22, are displayed on the presentation authoring tool is not disclosed, but it would have been obvious to do such, given there is a demonstration of such in the figures. Also, since such a layout is achieved in the presentation authoring tool, one could display the layout at any stage in its development from the authoring tool display's parameters to the parameters of the display for later projection.

12. In regard to applicant's arguments one page 14 of Paper No. 4, applicant argues the rejection of claims 5, 11 and 17 in Paper No. 3., stating "There is no teaching, motivation, or suggestion to use font height of characters on a line of a vision chart in determining the recommended font size".

Although Kikushi et al. in view of Nasserbakht does not disclose that determining a recommended size is based upon a font height for characters on a line of a vision chart corresponding to the certain vision capability, MedicineNet.com article "Acuity test, visual" discloses a standard "measure of how well a person sees" using Snellen's chart, "imprinted with block letters that line-by-line decrease in size, corresponding to the distance at which that line of letters is normally visible."

Further, as stated in the 103 rejection of claims 5, 11 and 17 in Paper No. 3, Nasserbakht et al. discloses that "focus detection circuitry determines a user's vision capabilities" for determining a recommended size (See rejection of claim 1.). Thus, using the teaching of the MedicineNet.com article, one would be motivated to use font height of characters on a line of a vision chart to determine one's vision capability, and one would further be motivated to use such measured vision capability to determine a recommended font size, as this is done in the invention of Nasserbakht (although it is done using focus detection circuitry).

Thus, one would have been motivated to make such a change based on the teaching of the article "Acuity test, visual" to use such a chart with varying font heights to determine a person's vision capability. Also, Nasserbakht et al. teaches to "adjust focus to compensate for the user's nearsightedness or far-sightedness", and vision charts are standard and conventional in determining degree of near-sightedness or far-sightedness.

13. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Qureshi et al. 6,456,305 B1 discloses an invention in which presentation slides are sized and positioned to fit new parameters.

Gill et al. 6,081,262 discloses an invention in which a presentation is converted into a representation that is optimized for a presentation medium selected by the user.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel E LeFlore whose telephone number is (703) 305-8627. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (703) 305-3885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LEL
23 April 2004

JOSEPH MANCUSO
PRIMARY EXAMINER